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2731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

EDWARDS et al.) Group Art Unit: 2731
Serial No.: 09/247,893)
Filed: February 10, 1999)
Atty. File No.: 4366-33 (formerly 660001.479))
For: "DYNAMICALLY ALLOCATING)
SERVER RESOURCES TO)
COMPETING CLASSES OF WORK)
BASED UPON ACHIEVEMENT OF)
SERVICE GOALS")

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EV3680355255US
DATE OF DEPOSIT: 3/16/04

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX
1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte

SIGNATURE:

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Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

Copies of the cited references are enclosed herewith.
 Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d),

because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No.

_____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

Examiner's attention is drawn to the following co-pending applications, copies of which are being submitted:

Serial No. 09/235,065 filed January 21, 1999;
Serial No. 07/563,752 filed August 7, 1990 (now U.S. Pat. No. 5,101,425);
Serial No. 09/089,848 filed June 3, 1998 (now U.S. Pat. No. 6,226,377 B1);
Serial No. 09/060,038 filed April 13, 1998 (now U.S. Pat. No. 6,650,748 B1);
Serial No. 09/149,877 filed September 8, 1998 (now U.S. Pat. No. 6,272,544 B1);
Serial No. 09/248,047 filed February 10, 1999 (now U.S. Pat. No. 6,560,649 B1);
Serial No. 09/264,497 filed March 8, 1999; and
Serial No. 09/469,757 filed December 22, 1999 (now U.S. Pat. No. 6,240,417).

Other: Attached hereto is a copy of the European Search Report for European counterpart application no. EP00301032.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

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| <input checked="" type="checkbox"/> | <p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602.</p> |
| <input type="checkbox"/> | <p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ol style="list-style-type: none">(1) a final action under 37 C.F.R. 1.113 or(2) a notice of allowance under 37 C.F.R. 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><input type="checkbox"/> Please charge Avaya Inc. Deposit Account 50-1602 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Avaya Inc. Deposit Account 50-1602. |
| <input type="checkbox"/> | <p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)<li style="text-align: center;">AND<input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Avaya Inc. Deposit Account 50-1602 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Avaya Inc. Deposit Account 50-1602. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. |

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

The undersigned certifies that:

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

A copy of the communication from the foreign patent office is enclosed.

OR

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Douglas Swartz

Douglas W. Swartz

Registration No. 37,739

1560 Broadway, Suite 1200

Denver, Colorado 80202-5141

(303) 863-9700

Date: March 15, 2004



SHEET 1 OF 6

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| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTY. DOCKET NO. 4366-33 | SERIAL NO. 09/247,893 |
| INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | APPLICANT EDWARDS et al. | |
| | | FILING DATE February 10, 1999 | GPO: 2025 RECEIVED 278 |

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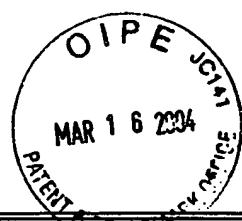
U.S. PATENT DOCUMENTS

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| *EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROP. |
|-------------------|-----------------|----------|-------------------|-------|-----------|------------------------|
| 1. | 4,163,124 | 07/31/79 | Jolissaint | 179 | 18 D | |
| 2. | 4,737,983 | 04/12/93 | Frauenthal et al. | 379 | 221 | |
| 3. | 4,797,911 | 01/10/89 | Szlam et al. | 379 | 88.22 | |
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| 5. | 5,001,710 | 03/19/91 | Gawrys et al. | 370 | 110.1 | |
| 6. | 5,097,528 | 03/17/92 | Gursahaney et al. | 379 | 67 | |
| 7. | 5,101,425 | 03/31/92 | Darland | 379 | 34 | |
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| 9. | 5,210,789 | 05/11/93 | Jeffus et al. | 379 | 127 | |
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| 14. | 5,436,965 | 07/25/95 | Grossman et al. | 379 | 266 | |
| 15. | 5,544,232 | 08/06/96 | Baker et al. | 379 | 88.25 | |
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| 21. | 5,504,894 | 04/02/96 | Ferguson et al. | 395 | 650 | |

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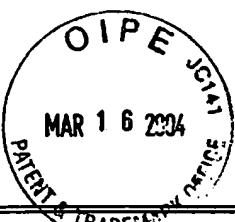
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| 22. | 5,530,744 | 06/25/96 | Charalambous et al. | 379 | 265 | |
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| 35. | 5,749,079 | 05/05/98 | Yong et al. | 707 | 100 | |
| 36. | 5,752,027 | 05/12/98 | Familiar | 395 | 614 | |
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| | 49. | 5,930,786 | 07/27/99 | Carino, Jr. et al. | 707 | 4 |
| | 50. | 5,937,051 | 08/10/99 | Hurd et al. | 379 | 212 |
| | 51. | 5,937,402 | 08/10/99 | Pandit | 707 | 4 |
| | 52. | 5,940,496 | 08/17/99 | Gisby et al. | 379 | 265 |
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| | 71. | 6,175,564 B1 | 01/16/01 | Miloslavsky et al. | 370 | 352 |

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| 75. | 6,226,377 B1 | 05/01/01 | Donaghue Jr. | 379 | 265 | |
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| 81. | 6,272,544 B1 | 08/07/01 | Mullen | 709 | 226 | |
| 82. | 6,278,777 B1 | 08/21/01 | Morley | 379 | 265 | |
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| 86. | 6,434,230 B1 | 08/13/02 | Gabriel | 379 | 265.01 | |
| 87. | 6,490,350 B2 | 12/03/02 | McDuff et al. | 379 | 265.06 | |
| 88. | 6,560,649 B1 | 05/06/03 | Mullen et al. | 709 | 226 | |
| 89. | 09/235,065 | | Denton et al. | | | 01/21/99 |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | |
|------|-----------------|----------|----------------|-------|-----------|-------------|----|
| | | | | | | YES | NO |
| 91. | EP 0 501 189 A2 | 09/02/92 | EPO | | | X | |
| 92. | EP 0 740 450 A2 | 10/30/96 | EPO | H04M | 3/50 | X | |
| 93. | EP 0 863 651 A2 | 09/09/98 | EPO | H04M | 3/50 | X | |
| 94. | EP 0 855 826 A2 | 07/29/98 | EPO | H04M | 3/50 | X | |
| 95. | EP 0 772 335 A2 | 05/07/97 | EPO | H04M | 3/50 | X | |
| 96. | GB 2 290 192 A | 12/13/95 | United Kingdom | H04M | 3/50 | X | |
| 97. | GB 2 273 418 | 06/15/94 | United Kingdom | | | X | |
| 98. | WO 96/07141 | 03/07/96 | PCT | G06F | 13/00 | X | |
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| 100. | 2,143,198 | 01/19/95 | Canada | H04Q | 7/22 | X | |
| | | | | | | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

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| 101. | "Product Features," <i>Guide to Call Center Automation</i> , Brock Control Systems, Inc., Activity Managers Series™, Section 5 - Company B120, p. 59, 1992. |
| 102. | "Product Features," <i>Guide to Call Center Automation</i> , CRC Information Systems, Inc., Tel-ATHENA, Section 5 - Company C520, p. 95, 1992. |
| 103. | Dawson, "NPRI's Powerguide, Software Overview" <i>Call Center Magazine</i> (Jun. 1993), p. 85. |
| 104. | "Applications, NPRI's Predictive Dialing Package," <i>Computer Technology</i> (Fall 1993), p. 86. |
| 105. | "Call Center Software You Can't Outgrow," <i>Telemarketing®</i> (Jul. 1993), p. 105. |
| 106. | "VAST™, Voicelink Application Software for Teleservicing®, <i>System Manager User's Guide</i> , Digital Systems (1994), pp. ii, vii-ix, 1-2, 2-41 through 2-77. |

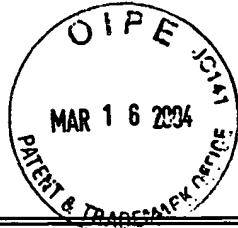
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| 107. | GEOTEL Communications Corporation Web site printout entitled "Intelligent CallRouter Call Flow", 1998. |
| 108. | GEOTEL Communications Corporation Web site Printout entitled "The Intelligent CallRouter Product Overview", July 3, 1997. |
| 109. | GEOTEL Communications Corporation Web site printout entitled "Intelligent CallRouter Product Architecture" July 3, 1997. |

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